

# EXHIBIT A

Atty. No. 41106

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
 COUNTY DEPARTMENT, CHANCERY DIVISION**

HEIDI KOHZ,  
 on behalf of Plaintiff and a class,

Plaintiff,

vs.

D & A SERVICES, LLC,

Defendant.

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2021CH03900

FILED  
 8/9/2021 3:07 PM  
 IRIS Y. MARTINEZ  
 CIRCUIT CLERK  
 COOK COUNTY, IL  
 2021CH03900

**COMPLAINT – CLASS ACTION**

**INTRODUCTION**

1. Plaintiff Heidi Kohz brings this action to secure redress regarding unlawful collection practices engaged in by Defendant D & A Services, LLC. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”).

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d).
3. Personal jurisdiction in Illinois is proper because Defendant sent its collection letters into Illinois.
4. Venue in this county is proper because Defendant’s collection letter was received here.

**PARTIES**

**Plaintiff**

5. Plaintiff Heidi Kohz is a natural person residing in Cook County, Illinois.

**Defendant**

6. Defendant D & A Services, LLC is an Illinois corporation with its principal office at 1400 E. Touhy Ave., Ste. G2, Des Plaines, IL 60018. Its registered agent and office is Chadwick I. Buttell, 200 S. Wacker Dr., Ste. 2700, Chicago, IL 60606.

7. Defendant D & A Services, LLC is engaged in the sole or principal business of a collection agency, collecting consumer debts and using the mails and telephone system for that purpose.

8. Upon information and belief, almost all of Defendant D & A Services, LLC's resources are devoted to debt collection.

9. Upon information and belief, almost all of Defendant D & A Services, LLC's revenue is derived from debt collection.

10. Upon information and belief, almost all of Defendant D & A Services, LLC's expenses are related to debt collection.

11. Defendant D & A Services, LLC is a debt collector as defined by the FDCPA, 15 U.S.C. §1692a(6), as a person who uses one or more instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts.

#### **FACTUAL ALLEGATIONS**

12. This action arises out of Defendant's attempts to collect a credit card debt incurred for personal, family or household purposes.

13. On or about Feb. 18, 2021, Defendant D & A Services, LLC caused a letter vendor to send Plaintiff the letter in Exhibit A.

14. In order to have the letter vendor send Plaintiff the letter in Exhibit A, Defendant had to furnish the letter vendor with Plaintiff's name and address, the status of Plaintiff as a debtor, details of Plaintiff's alleged debt, and other personal information.

15. The letter vendor then populated some or all of this information into a prewritten template, printed, and mailed the letter to Plaintiff.

16. The FDCPA defines "communication" at 15 U.S.C. § 1692a(3) as "the conveying of information regarding a debt directly or indirectly to any person through any medium."

17. The sending of an electronic file containing information about Plaintiff's purported debt to a letter vendor is therefore a communication.

18. Defendant's communication to the letter vendor was in connection with the collection of a debt since it involved disclosure of the debt to a third-party with the objective being communication with and motivation of the consumer to pay the alleged debt.

19. Plaintiff never consented to having Plaintiff's personal and confidential information, concerning the debt or otherwise, shared with anyone else.

20. In limiting disclosures to third parties, the FDCPA states, at 15 U.S.C. §1692c(b): "Except as provided in section 1692b of this title, without the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a post judgment judicial remedy, a debt collector may not communicate, in connection with the collection of any debt, with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector."

21. The letter vendor used by Defendant as part of its debt collection effort against Plaintiff does not fall within any permitted exception provided for in 15 U.S.C. §1692c(b).

22. Due to Defendant's communication to this letter vendor, information about Plaintiff is within the possession of an unauthorized third-party, which has intruded into Plaintiff's private affairs.

23. If a debt collector "conveys information regarding the debt to a third party -- informs the third party that the debt exists or provides information about the details of the debt -- then the debtor may well be harmed by the spread of this information." *Brown v. Van Ru Credit Corp.*, 804 F.3d 740, 743 (6th Cir. 2015).

As the world has gone digital, consumers' records, both financial and otherwise, are increasingly vulnerable to exposure. Transactions that were once fleeting, recorded only on

paper and filed in some cabinet, or perhaps reduced to microfiche, are now but mouse-clicks away from duplication and dissemination.

Unregulated databases, escalating numbers of mergers, and the proliferation of information brokers—private investigators who specialize in obtaining computerized records—all threaten privacy. As was noted in Congress, “databases of personal identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations.”

The internet raises particular privacy concerns, as information sent over the World Wide Web may pass through dozens of different computer systems, each of which can snatch and hold the information in its coffers. In addition, website owners can track consumers’ online behavior and gather information about their preferences, often without their knowledge. Web bugs, or tiny graphics that are put into web pages and e-mails, can monitor who views the information. Clickstream data can tell website owners which pages of the site were viewed and for how long. “Cookies” dropped onto a computer may not identify the user by name but do identify the particular computer, which allows an interested party to assemble a great deal of information about that computer’s user.

Financial information is especially sensitive, able to reveal not just a consumer’s standard of living and debt load, but also personal preferences and lifestyle details ranging from books bought to prescriptions purchased. In *California Bankers Ass’n v. Shultz*, Justice Powell pointed out that “[f]inancial transactions can reveal much about a person’s activities, associations, and beliefs.” Justice Douglas elaborated further:

A checking account . . . [m]ay well record a citizen’s activities, opinion, and beliefs as fully as transcripts of his telephone conversations . . . In a sense a person is defined by the checks he writes. By examining them the agents get to know his doctors, lawyers, creditors, political allies, social connections, religious affiliation, educational interests, the papers and magazines he reads, and so on ad infinitum.

The same can be said of credit card charges, debit purchases, and online transactions. Forty years later, the details of these revealing consumer activities are easily collected, compiled, analyzed, and accessed, and thus have created a lucrative market for their trade. One industry leader among data aggregation companies, Acxiom, advertises that it has data on 2.5 billion consumers. Acxiom claims that one of its products covering American consumers has data on 250 million consumers, offering data not just on individual demographics, but also household characteristics, financial information, life events, major purchases, and behavior, all of which allows for targeted marketing. Experian reports that it manages data on more than 300 million consumers and 126 million households, while Equifax claims a database of over 115 million U.S. households distributed over 150 different segment groups, which can be used to predict behavior. In 2017, Equifax suffered a data breach that involved the personal data on nearly half the United States population being stolen, a breach that a Congressional committee found to have been “entirely preventable.” In 2014, the Federal Trade Commission filed a complaint against another data broker that allegedly bought the payday loan applications of consumers and then sold the information to marketers with no legitimate need for it, leading some scammers among them to debit millions from the consumers’ accounts.

National Consumer Law Center, Fair Credit Reporting (9th ed. 2017) § 18.1,

24. Defendant unlawfully communicates with the unauthorized third-party letter vendor solely for the purpose of streamlining its generation of profits without regard to the propriety and privacy of the information which it discloses to such third-party.

25. In its reckless pursuit of a business advantage, Defendant disregarded the known, negative effect that disclosing personal information to an unauthorized third-party has on consumers.

### **COUNT I – FDCPA**

26. Plaintiff incorporates paragraphs 1-25.

27. Defendant violated 15 U.S.C. §1692c(b) when it disclosed information about Plaintiff's purported debt to the employees of an unauthorized third-party letter vendor in connection with the collection of the debt. *Hunstein v. Preferred Collection & Mgmt. Servs.*, 994 F.3d 1341 (11th Cir. 2021).

28. Defendant violated 15 U.S.C. §1692f by using unfair means in connection with the collection of a debt – disclosing personal information about Plaintiff to third parties not expressly authorized under the FDCPA.

### **CLASS ALLEGATIONS**

29. Plaintiff brings this action on behalf of a class.

30. The class consists of (a) all individuals in Illinois (b) with respect to whom Defendant had a letter prepared and sent by a letter vendor (c) which letter was sent at any time during a period beginning one year prior to the filing of this action and ending 30 days after the filing of this action.

31. Plaintiff may alter the class definition to conform to developments in the case and discovery.

32. On information and belief, based on the size of Defendant's business operations and the use of form letters, there are more than 40 members of the class, and the class is so numerous that joinder of all members is not practicable.

33. There are questions of law and fact common to the class members, which common questions predominate over any questions relating to individual class members. The predominant common questions are whether Defendant's practice as described above violates the FDCPA.

34. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

35. A class action is appropriate for the fair and efficient adjudication of this matter, in that:

- a. Individual actions are not economically feasible.
- b. Members of the class are likely to be unaware of their rights;
- c. Congress intended class actions to be the principal enforcement mechanism under the FDCPA.

WHEREFORE, the Court should enter judgment in favor of Plaintiff and the class and against Defendant for:

- i. Statutory damages;
- ii. Attorney's fees, litigation expenses and costs of suit;
- iii. Such other and further relief as the Court deems proper.

/s/ Daniel A. Edelman  
Daniel A. Edelman

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Atty. No. 41106



# **EXHIBIT A**

FILED DATE: 8/9/2021 3:07 PM 2021CH03900



**D & A Services, LLC**  
 1400 E. Touhy Ave, Ste. G2  
 Des Plaines, IL 60018

D&A #	Original Creditor	Current Creditor	Original Account #	Balance
3842		Crown Asset Management, LLC	XXXXXXXXXXXX3446	

Toll Free: 877-685-5791

Web: <https://myaccount.dnasllc.com>

Hours of Operations:

M-Th 8 am – 7 pm CST

Fri 8 am – 5 pm CST

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Heidi Kohz

February 18, 2021

Dear Heidi Kohz:

This account has been placed with our office for collection.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This communication is from a debt collector.

You may pay online by using the following link. Web: <https://myaccount.dnasllc.com>

\*\*\*detach below and return in the enclosed envelope with your payment\*\*\*

1400 E. Touhy Ave  
 Suite G2  
 Des Plaines, IL 60018

Toll Free: 877-685-5791

D&A#	Balance
3842	

Contact Number	Payment Amount
	\$

Make your check or money order payable to:

Heidi Kohz

**D & A Services, LLC**  
 1400 E. Touhy Ave  
 Suite G2  
 Des Plaines, IL 60018

\*When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution. 00092